

HEADQUARTERS
UNITED STATES EUROPEAN COMMAND
UNIT 30400
APO AE 09131

DIRECTIVE
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PLANS AND POLICY

Implementation of the Treaty on Open Skies

1. **Summary.** This directive establishes the policies, procedures and responsibilities for the implementation of the provisions of the Treaty on Open Skies. This plan addresses those aspects of Open Skies Treaty implementation within the USEUCOM area of responsibility (AOR).
2. **Applicability.** This directive applies to USEUCOM and its component commands.
3. **Open Skies Treaty Impact on U.S. Forces/Facilities.** The Open Skies Treaty subjects the entire territory of signatory states to aerial observation by up to four different types of commercially available sensors. As a result, all U.S. forces/facilities located in signatory states are susceptible to aerial observation in accordance with the Open Skies Treaty. The primary concerns for U.S. forces/facilities include limiting the impacts of an Open Skies observation on operations security (OPSEC), demonstrating openness and transparency of military activities and ensuring flight safety. The key aspect to minimizing OPSEC concerns is through timely, accurate notification. Through bilateral international agreements, HQ USEUCOM will receive and disseminate warning of upcoming Open Skies observation flights to the appropriate component commands.
4. **Internal Controls.** This directive does not contain internal control provisions and is not subject to the requirements of the internal management control program. For USEUCOM and subordinate joint activities, the applicable internal control directive is ED 50-8, Internal Management Control Program.
5. **Suggested Improvements.** The proponent for this directive is the Arms Control Branch, Treaty and Threat Reduction Division, Plans and Policy Directorate. Suggested improvements should be forwarded to HQ USEUCOM/ECJ5-T-AC, Unit 30400, APO AE 09131

This directive supercedes ED 55-19, dated 29 Jul 94

6. **References.** See Appendix A.

7. **Background.** Open Skies Treaty negotiations began in 1989 on an idea that dates back to the Eisenhower Administration. The treaty establishes a regime for the conduct of observation flights by States Parties over the territories of other States Parties. The purpose of the treaty is to increase the transparency of military activities and thereby strengthen cooperation and enhance the security of all participating states. The treaty was signed 24 March 1992, in Helsinki, by the sixteen nations of NATO (Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States), the Eastern European members of the former Warsaw Treaty Organization (Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia), the Russian Federation, Ukraine, and the Republics of Georgia and Belarus. Kyrgyzstan signed the treaty on 15 December 1992. The treaty specifies the criteria for accession of new States Parties. The United States ratified the Open Skies Treaty on 2 Nov 1993. The treaty entered into force on 1 Jan 2002. The treaty area of application (AOA) covers the entire territory of all signatory states.

8. **Responsibilities.**

a. Commander, USEUCOM, will:

(1) establish and coordinate policy and procedures for implementation of the Open Skies Treaty provisions tasked to USEUCOM;

(2) ensure dissemination of Open Skies overflight data to USEUCOM service components and ensure service components implement proper security and safety procedures as needed;

(3) conduct necessary liaison with host nations regarding Open Skies Treaty notifications and Open Skies aircraft flight plan coordination as negotiated in applicable bilateral agreements; and

(4) receive Open Skies notifications and disseminate notifications to component commands.

b. ECJ2 (Intelligence Directorate) will:

(1) provide staff coordination on Open Skies Treaty matters as requested by the Director, ECJ5; and

(2) provide normal/routine theater monitoring of the activities of States Parties to the Open Skies Treaty, while acting as the conduit for intelligence information from national/theater sources in support of Open Skies Treaty matters.

c. ECJ3 (Operations Directorate) will:

(1) provide staff coordination on Open Skies Treaty matters as requested by the Director, ECJ5;

(2) develop and maintain checklists to ensure prompt notification of appropriate HQ USEUCOM personnel/organizations and component command headquarters upon receipt of notification of an Open Skies intent to conduct an observation mission, flight plan data, or other Open Skies Treaty related actions;

(3) upon receipt of an Open Skies notification of intent to conduct an observation mission from the host nation or the Defense Threat Reduction Agency (DTRA), immediately relay the notification to component commands by the most expeditious means available;

(4) upon receipt of Open Skies flight plan data or changes to flight plan data; immediately notify the components and other designated parties of the estimated take off time, country, flight duration, transit through danger/restricted areas and other general descriptions relative to the flight plan data by the most expeditious means available; and

(5) respond to inquiries by the immediate subordinate agencies with, if available, actual coordinates of the flight path.

d. ECJ4 (Logistics and Security Assistance Directorate) will:

(1) provide staff coordination on Open Skies Treaty matters as requested by the Director, ECJ5; and

(2) coordinate, as needed, any logistics matters pertaining to support of the U.S. Open Skies aircraft while the aircraft is in theater to conduct Open Skies test or operational flights.

e. ECJ5 (Plans and Policy Directorate) will:

(1) act as HQ USEUCOM Office of Primary Responsibility (OPR) for Open Skies Treaty policy matters;

(2) provide theater guidance for implementation of the Open Skies Treaty;

(3) provide USEUCOM input on Open Skies matters to the Joint Staff; and

(4) coordinate all Open Skies activities/matters on behalf of HQ USEUCOM.

f. ECPA (Public Affairs Directorate) will coordinate public releases regarding U.S. participation in Open Skies observation missions with the American Embassy (AMEMBASSY), Defense Attaché Office (DAO), DTRA, ECJ3, ECJ5 and other agencies as required. Receiving observing teams is the responsibility of the host nation. The host nation will, therefore, retain public affairs responsibility, including escorting and responding to the news media. U.S. public affairs assistance may be offered for observations if requested. U.S. DAOs in allied countries should make this offer known to host states and advise HQ

USEUCOM-ECPA/ECJ5-T and the Defense Threat Reduction Agency, European Division (DTRA-E). The following statement is provided to use in response to observation queries: "Observations are an integral part of the Treaty on Open Skies agreed to in Vienna. The request of (nation) to conduct an Open Skies observation flight over (location) does not in any way indicate a crisis or heightening of tensions. Each Open Skies signatory state has agreed to give full cooperation to such requests, and we have been assured by (host nation) that observers from (nation) will be accorded full rights and privileges in accordance with the Open Skies Treaty."

g. ECJA (Office of the Legal Advisor) will:

(1) provide legal guidance, as required, regarding the interpretation and implementation of the Open Skies Treaty; and

(2) coordinate with DOD General Counsel and other legal officials as appropriate.

h. U.S. Defense Attaché Offices can be expected to:

(1) support Open Skies Treaty observations as requested; and

(2) coordinate public affairs support in the host country as detailed in subparagraph 8.f above.

i. Component Commands will:

(1) upon receipt of initial intent to conduct an observation flight, advise appropriate commanders and hazardous airspace controlling agencies of the impending observation flight by the most expeditious means available;

(2) upon receipt of the initial intent to conduct an inspection, determine the operational impact of the observation flight on any subordinate units, facilities, or exercises and notify, within 24 hours, HQ USEUCOM Command Center, who will in turn notify ECJ5-T, of any specific OPSEC concerns with regards to the overflight;

(3) acknowledge receipt of Open Skies overflight notifications by the most expeditious means available and expedite acceptance of the Open Skies observation aircraft into hazardous airspace, if required. "Acceptance" denotes controlling agency guarantees the Open Skies aircraft will have safe passage through the hazardous airspace (i.e. the controlling agency will terminate all conflicting operations);

(4) act on behalf of USEUCOM, in coordinating Open Skies observation flights through U.S. operated hazardous airspace or parachute areas. In this capacity, comply with any applicable memorandums of understanding (MOUs) or bilateral agreements with the host nation concerning Open Skies flights through U.S. controlled hazardous airspace. Direct coordination with the host state air traffic control agencies is authorized, while keeping HQ USEUCOM, ECJ5-T, informed of significant actions;

(5) ensure hazardous airspace controlling agencies comply with the Memorandum of Understanding for the Conduct of Open Skies Flights in the Federal Republic of Germany, reference 2, Appendix A;

(6) immediately notify HQ USEUCOM Command Center, which will in turn notify ECJ5-T, by the most expeditious means available, of any difficulties encountered in coordinating over flight of U.S. controlled hazardous airspace;

(7) provide HQ USEUCOM with Open Skies points of contact at the component command and at U.S. controlled hazardous airspace agencies. In addition, ensure decision making points of contact for U.S. controlled hazardous airspace are available during non-duty hours to coordinate Open Skies matters if needed;

(8) implement appropriate OPSEC procedures, as required, to minimize exposure to sensors on board the Open Skies observation aircraft;

(9) ensure assigned commanders and subordinate activities are aware of the impacts of overflight by an Open Skies observation aircraft;

(10) develop written guidance and directives for subordinate commands to meet the requirements of this directive and forward copies of these directives to HQ USEUCOM/ECJ5-T; and

(11) provide written notice to HQ USEUCOM whenever changes to component Open Skies implementation plans are instituted.

j. U.S. Air Forces, Europe (USAFE) will, in addition to the responsibilities listed in paragraph 8.i above, coordinate with HQ USEUCOM/ECJ4, DTRA-E and HQ Air Combat Command (ACC), as needed, for logistic support of the U.S. Open Skies aircraft when it is in theater to conduct Open Skies test and operational flights. USAFE will also provide logistic and administrative support to U.S. operated Open Skies aircraft and crews as required.

9. **Policies and Procedures.** All actions to implement provisions of the Open Skies Treaty should reflect openness and transparency in the spirit of the agreement. However, it is important to remember the need to take appropriate measures to protect classified or sensitive information. In the USEUCOM Theater, U.S. forces/facilities may be imaged during Open Skies observation flights of a host nation and must rely on the host nation to provide adequate warning of Open Skies observations and monitor observing states parties for treaty compliance.

a. Notification and conduct of observation flights.

(1) Intent to Conduct an Observation Mission. The observing State Party must notify the observed State Party and all other States Parties of its intent to conduct an observation flight no less than 72 hours prior to arrival at the point of entry. The Nuclear Risk Reduction

Center (NRRC) will receive this notification and then forward the notification to the DTRA. DTRA will pass an Open Skies Voice Format 2 notification to HQ USEUCOM via telephone. Additionally, in accordance with bilateral negotiations, HQ USEUCOM should also receive timely notification of an observing State Party's intent to conduct an observation mission via telephone or electronic fax directly from the host nation. Upon receipt of either of these notifications, HQ USEUCOM Command Center will transmit an Open Skies Voice Format 2 to component command centers and other applicable agencies. Component commands will verify receipt within 2 hours.

(2) Observation Time Limits. The observing State Party must conduct the observation flight within 96 hours of its estimated time of arrival at the point of entry. (**Note:** If a sensor demonstration flight is conducted, the time limit is extended by 24 hours.) In addition, the observing State Party must depart from the point of exit no later than 24 hours after the completion of the observation flight.

(3) Priority for Open Skies Aircraft. The Open Skies Treaty allows the observation aircraft to overfly/observe any point on the entire territory of the observed state. Therefore, it is imperative that HQ USEUCOM agencies that control hazardous airspace give the Open Skies observation aircraft the highest priority.

(4) Receipt of Open Skies Mission Plan. Upon receipt of the Open Skies flight plan data from the host nation, USEUCOM will provide component commands with the plan and any amplifying information received from the host country. Component commands will verify receipt within 2 hours.

(5) Procedures for Component Commands. Upon receipt of Open Skies flight plan information from USEUCOM, affected component command centers will determine which, if any, units/facilities need to be notified and immediately relay a warning to affected field commanders by the most expeditious means available. Field commanders will implement appropriate OPSEC procedures, if required.

(6) Observation Aircraft Flight Path Deviations. An Open Skies observation aircraft may have to deviate from the approved flight plan for weather or other circumstances. If the aircraft deviates more than 50 kilometers from the approved flight path, the observed State Party shall have the right to prohibit the use of all sensors. Since the observing State Party may continue to operate sensors when it is within 50 kilometers of the planned flight path, HQ USEUCOM units/facilities within 100 kilometers of the approved flight path would be susceptible to observation (based on a 50 kilometer limit on sensor detection range).

(5) Termination Procedures. The host nation is not obligated to, and in most cases will not, notify HQ USEUCOM of the completion of an observation mission. Command centers should not expect a specific notification for observation flight termination. Based on the proposed or revised take off time and flight duration, command centers can automatically close out their checklists at the expiration of the expected flight duration.

b. Procedures for Coordinating Flights Through U.S. Controlled Hazardous Airspace. Currently, the only U.S. controlled hazardous airspace is in the Federal Republic of Germany (FRG). Coordination for Open Skies observation missions in U.S. controlled hazardous airspace in Germany will be in accordance with reference 2, Appendix A. It is imperative that U.S. hazardous airspace controlling agencies coordinate closely with the German air traffic control agency, Amt für Flugsicherung der Bundeswehr (AFSBw) and its executive branch, the Coordination Center for Military Airspace Utilization (COMIL). To ensure timely acceptance of Open Skies observation flights into U.S. controlled hazardous airspace, controlling agencies are authorized direct contact with FRG air traffic control agencies concerning Open Skies Treaty related issues. In this regard, the following procedures apply:

(1) USEUCOM expects to receive three types of notifications from the COMIL.

(a) Notification of Intent to Conduct an Open Skies - Observation Flight. This notification provides addressees notification of a pending Open Skies observation flight. COMIL should send this notification to USEUCOM and component command centers at least 72 hours prior to the arrival of an observation aircraft in Germany. Component commands will immediately fax confirmation of receipt to COMIL. Components will contact the USEUCOM command center within 2 hours, acknowledge receipt of the notification from COMIL and verify that a response was sent.

(b) Mission Plan Accepted for Open Skies - Observation Flight. This notification coordinates the closure of restricted airspace and is extremely time sensitive. The addressees must act immediately to comply with the notification. COMIL will specify which restricted area(s) is/are affected and the desired date/time block for suspending activity in each area. This message will also contain the departure and destination times and locations. Component commands controlling restricted airspace will respond within 2 hours to both COMIL and USEUCOM confirming closure of restricted airspace for the observation flight.

(c) Summarized Information About Open Skies - Observation Flight. This notification contains the pertinent mission times, route of flight and planned altitudes for the mission. USEUCOM will disseminate this information to components, which will use it to notify appropriate commanders.

(2) It is important to note that these procedures are intended only to coordinate Open Skies flights through restricted airspace in Germany and to ensure flight safety. German MOU fax notification formats will not necessarily match those of other countries. The DTRA formats are universal and will apply to Open Skies flights over Germany and elsewhere.

(3) When U.S. controlled airspace is affected, the appropriate controlling agencies will:

(a) ensure safe passage for the Open Skies aircraft by immediately suspending any conflicting activity for the time interval specified by COMIL. In this regard, controlling agencies are authorized to coordinate directly with COMIL, as required, to ensure prompt acceptance of Open Skies flights into U.S. controlled hazardous airspace.

(b) acknowledge to both COMIL and USEUCOM within 2 hours of notification that activity within the hazardous airspace will be suspended prior to the timeframe indicated in the flight plan.

FOR THE COMMANDER IN CHIEF:

OFFICIAL:

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Lieutenant General, USA
Chief of Staff

AVA N. WEBB-SHARPLESS
Lt Col, USAF
Adjutant General

Appendix:
A – References

DISTRIBUTION:

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DAO MADRID

DAO PRAGUE

DAO PARIS

DAO SOFIA

AMEMBASSY BRATISLAVA

AMEMBASSY MINSK

AMEMBASSY REYKJAVIK

Appendix A

References

1. Treaty on Open Skies.
2. Memorandum of Understanding with The Federal Republic of Germany.
3. Memorandum of Understanding with Belgium, The Netherlands and Luxembourg.
4. Memorandum of Understanding with The United Kingdom.